

REMARKS

Previously, claims 64-70 and 73-77 were pending. In the present amendment, claims 64 and 70 are to recite “wherein the multispecific antibody is an IgG, IgE or IgD antibody.” Support for this amendment can be found, for example, at page 21, lines 19-22 of the specification as filed.

No new matter is added by these amendments. Upon entry of this Amendment, claims 64-70 and 73-77 will be pending in the present application.

I. Rejections for Obviousness-Type Double Patenting

The Examiner provisionally rejects claims 64-70 and 73-77 on the ground of non-statutory obviousness-type double patenting over claims 45-82 of U.S. Patent No. 7,183,076. Applicants respectfully request that this rejection be held in abeyance until allowable subject matter is indicated, at which time Applicants will take appropriate action.

II. The Rejection Under 35 U.S.C. § 102(b)

The Examiner maintains the rejection of claims 64, 65, 69, 70, and 76 as allegedly being anticipated by Tachibana *et al.*, *Hum. Antibod. Hybridomas* 4:42-46 (1993) (hereinafter “Tachibana”). Office Action at pages 3-5.

Solely in an effort to advance prosecution, and without conceding to the merits of the rejection, Applicants have amended claims 64 and 70 to recite “wherein the multispecific antibody is an IgG, IgE or IgD antibody.” As acknowledged by the Examiner, Tachibana teaches bifunctional antibodies that are IgM-class monoclonal antibodies. Because Tachibana neither expressly or inherently discloses a multispecific *IgG*, *IgE* or *IgD* antibody comprising two different heavy chain polypeptides which associate with a common light chain to form two different antigen binding sites, and which dimerize with one another to form the multispecific antibody, Tachibana does not expressly or inherently anticipate any of claims 64-70 and 73-77 under 35 U.S.C. § 102(b). Applicants thus respectfully request withdrawal of the rejection.


CONCLUSION

Applicants believe that the claims of the instant amendment meet all of the conditions for patentability and are in condition for allowance. Accordingly, an indication of the same is respectfully requested. If any issues remain in connection with this application, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

No fees are believed to be due in connection herewith. However, should the Commissioner determine otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013 (referencing 403545-999481).

Respectfully submitted,

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